

REMARKS

The Office Action mailed December 23, 2008 has been reviewed and reconsideration of the above-identified application in view of the following amendments and remarks, is respectfully requested

Claims 1-22 are pending and stand rejected.

Claims 1 and 22 have been amended.

Claims 1 and 22 are independent claims.

Claims 1-22 stand rejected under 35 USC 103(a) as being unpatentable over Onuki (Japan 2002-162507A) in view of Blum (USPPA 2002/0140899).

Applicant respectfully disagrees with and explicitly traverses the rejection of the claims. However, applicant has amended independent claims 1 and 22 to further recite that one of the first and second electrodes is divided into a plurality of individually addressable lines sections to which said potential difference is sequentially applied. No new matter has been added. Support for the amendment may be found at least on page 7, lines 22-31.

Onuki discloses an optical element having a first liquid and a second liquid contained within a container constituted to have a first surface orthogonal with an optical axis and a pair of second surfaces arranged to face each other to intersect with the front surface and to house the first and second liquids. Adsorption layers are formed on the first surface and the second surface and the shape of a boundary is changed between the first fluid and the second fluid is changed according to a change in the voltage between a first and second electrode.

Blum discloses a lens system incorporating an electro-active refractive matrix into a cavity of a first optical lens and covering at least a portion of the electro-active refractive matrix with a second optical lens. Blum further discloses a liquid crystal may be covered by two nearly transparent metallic layers on either side and a conductive layer is provides a good electrical contact to these layers. When a voltage is applied across the two conductive layers, an electric field is created through the electro-active material.

(see para. 168). Blum is recited for teaching a liquid crystal layer that can be used to create an electronic tint or sunglass effect

However, neither Onuki nor Blum teach or suggest providing a voltage in a sequential manner through a plurality of individually addressable lines, as is recited in the claims.

A claimed invention is *prima facie* obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations

In this case, the combination of Onuki and Blum fails to teach or suggest the claim element of individually addressable lines to which a voltage potential is sequentially applied, as is recited in independent claims 1 and 22. Accordingly, the combination of Onuki and Blum cannot be said to render obvious the subject matter recited in each of the independent claim 1 and 22.

With regard to the remaining claims, these claims depend from one of the respective independent claims, which have been shown to include subject matter not disclosed by the cited references. Accordingly, the remaining claims are also not rendered obvious by the cited references by virtue of their dependency upon an allowable base claim.

For the amendments made to the claims, applicant submits that the reason for the rejection has been overcome and respectfully requests that the rejection be withdrawn.

For all the foregoing reasons, it is respectfully submitted that all the claims are in allowable form and the issuance of a Notice of Allowance is respectfully requested.

In the event the Examiner deems personal contact desirable in the disposition of this case, the Examiner is invited to call the undersigned attorney at the telephone given below.

No fees are believed necessary for the timely filing of this paper.

Respectfully submitted,
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